

ACCOMPLISHMENTS OF THE
REGULAR SESSION OF THE 58TH LEGISLATURE, 1963
(Summary by Staff of the Texas Legislative Council, June, 1963)

At the close of the first Regular Session of the Texas Legislature in at least 30 years to finish its work before the expiration of the constitutional limit set for such sessions, it seems appropriate to review and evaluate what was accomplished before adjournment on May 24, three days in advance of the 140-day deadline prescribed by the Texas Constitution.

As has been the case in most regular sessions in recent years, about 1,600 bills were introduced in the two houses. Considering also resolutions introduced in both houses, about 1,900 separate proposals were before the Regular Session of the 58th Legislature. In the House of Representatives, 1,088 bills were introduced; and an additional 525 were introduced in the Senate. Besides these, there were 30 Senate Joint Resolutions and 80 House Joint Resolutions proposing amendments to the Constitution of Texas, plus the numerous concurrent and simple resolutions which originated in both houses.

Also, as in most recent regular sessions, about one-third--or 33 per cent--of the bills introduced were finally passed. In the Senate, 205, or almost 40 per cent, of the 525 bills introduced completed their course through the entire legislative process and went to the Governor for signature. In the House, 332, or about 30 per cent of the 1,088 bills introduced, were enacted into law.

Only seven--or about 6 per cent--of the 110 joint resolutions proposing amendments to the Texas Constitution in both houses were passed and will be submitted to the voters of the state.

These will be discussed in detail later, as will a few of the bills of major importance enacted during the Regular Session of the 58th Legislature. Of course it is impossible to mention all the legislation passed or to deal with any measure in great detail. A report listing each bill passed is in the hands of all legislators. (See Texas Legislative Service, Final Report, January 8--May 24, 1963, plus supplemental report issued June 14 showing final disposition by the Governor of all measures.)

The Legislature

The Regular Session just concluded is the second in Texas since the Constitution was amended in 1960 to lengthen the duration of such sessions from 120 to 140 days. The Legislature met for 137 days this year. At present, no special session has been set. Assuming that none is necessary, not since 1943, when the 48th Legislature accomplished its work in the then constitutionally-prescribed 120 days, has a Legislature in Texas completed its tasks in so short a time.

Since the actual cost of having the Legislature in session, exclusive of legislative salaries and interim expenses, is estimated by the Comptroller of Public Accounts at some \$14,850 per day, this early adjournment alone resulted in a saving of about \$45,000 in state funds.

Despite the fact that it completed its work in record time, this Legislature dealt with several problems which have plagued the state for years and upon which previous Legislatures had been unable to reach agreement.

This was a business-like and hard-working Legislature from the beginning. Both houses were organized, the Speaker elected in the House, and committees appointed and ready for business within a few days after convening.

The House of Representatives, with its 150 members, adopted new decorum changes this session at the recommendation of Speaker Byron Tunnell, contributing substantially to the dignified and efficient conduct of the business of that house. These rules limited the persons who may be on the floor of the House while it is in session, prohibited the consumption of food or beverages on the floor of the House at any time, and required all gentlemen admitted to the floor of the House while in session to wear coat and tie.

By passage of S. R. 526, the Senate also adopted additional rules to improve its decorum and efficiency. These limited persons who might be on the Senate floor while that body was in session; prohibited the introduction of classes and groups; banned smoking on the Senate floor by officers and employees and prescribed certain other standards of conduct.

One of the notable characteristics of the Regular Session of the 58th Legislature was harmony and cooperation, not only among the members and

presiding officers in the individual operation of the two houses, but among the House, the Senate and the Governor. With common objectives and excellent rapport between the legislative and executive branches of state government, the business of the state was conducted in an atmosphere of good will and mutual cooperation and understanding.

State Finances

Basic to all functions of state government, of course, is adequate financing. Fortunately, the Legislature did not have to deal with a financial crisis this session, but it did have to provide additional funds to meet rising costs of state government.

The tax bill, H. B. 106, which was drafted in a House subcommittee, went through the entire legislative process and to the Governor for signature without a single change or amendment. It was passed well in advance of the end of the session, being approved by the House on April 11, passed by the Senate on May 2, and signed by the Governor on May 10, thus avoiding the confusion and pressures which often characterize last-minute consideration of revenue measures.

This law, effective July 1, will provide about \$33 million over the next two years and, with the revenues available from existing taxes, will cover the General Appropriation Bill, which totals more than \$3 billion.

New revenues under the tax bill will come chiefly from reducing exemptions in the 2 per cent retail sales, excise and use tax and by extending the corporate franchise surtax for another year.

The major change in the sales, excise and use tax is elimination of the exemption of clothing costing under \$10. After July 1, all clothing, regardless of price, will be subject to the 2 per cent sales tax. Also affected are automobiles, previously the subject of a selective sales tax of 1 1/2 per cent on the total cost. This tax was amended to provide that all automobiles will be subject to a 2 per cent sales tax on the cost less trade-in value.

Revenues from the state's franchise surtax will be reduced \$11 million annually, effective September 1, 1964, as a result of the tax bill, which specifies that this temporary increase, in effect since 1957, be continued for another year and then die automatically at that time.

The \$3 billion-plus General Appropriation Bill for the support of state government during the next two years, items totaling \$12.4 million of which have been vetoed by the Governor, represents an increase in spending from all sources of more than \$300 million over last biennium. Most of the line items vetoed are for construction, maintenance and repair of buildings and other facilities.

About one-third of the total appropriated, \$1.4 billion, will be spent for education. Public schools received an increase of \$106 million over last biennium, and institutions of higher education will get about \$59 million more. The \$12.4 million which he vetoed from the bill has been suggested by the Governor as a "nest egg" for later education spending. The Appropriation Bill as passed contained about \$13 million less than the \$128.6 million

requested by the Governor for higher education to provide improved faculty salaries, research and libraries.

Of the approximately \$124 million designated for state hospitals and special schools, about \$5 million earmarked for construction was included in the veto.

State parks will receive \$2 million over the next two years, and tourist promotion and industrial development will get about \$300,000 each.

One of the larger single spending items vetoed was \$3.6 million for a proposed new state building in Austin. Construction items in lesser amounts at colleges and universities, at the Department of Corrections and at state parks were also included.

Higher Education

Except in the area of financing, there was good cooperation between the Governor and the Legislature on matters affecting higher education. One of the major items in Governor Connally's master plan for higher education was the creation of a 25-member Committee for Education Beyond the High School. The provisions of H. B. 1, passed early in the session and signed by the Governor on April 9, set forth the duties of the committee:

It "shall study the present status of public and private higher education beyond the high school with a view toward recommending to the Governor and the Legislature essential steps for achieving a standard of excellence in higher education second to none in the nation; giving attention to any factors

it considers pertinent but including the following:

"(1) Inquire into the needs in Texas for educational opportunities beyond the high school during the next decade.

"(2) Assay the present and potential resources of existing institutions and systems, both private and public, for providing education of requisite quality for meeting these needs.

"(3) Propose a comprehensive development of programs and facilities for education beyond the high school of adequate quality to enable Texas, with maximum economy of resources and with preservation of the autonomy and voluntary character of private institutions, to seize and capitalize upon the opportunities for progress in the next decade."

Appointments to this study group have been made, and the committee has held an organizational meeting. The result will be a comprehensive over-all survey of higher education in the state, encompassing both private and public institutions, in order that state officials and future Legislatures may more accurately assess the needs and problems occasioned by our rapidly increasing college-age population and our changing and growing economy.

The committee is directed by the law to report not later than August 31, 1964, to the Governor and to each member of the Legislature on the results of its study and its recommendations.

Recognizing that our total college enrollment in Texas will at least double in the next 10 years, the Regular Session of the 58th Legislature

created two new four-year state-supported colleges--Angelo State College at San Angelo by passage of S. B. 2 and Pan American College in Hidalgo County by passage of S. B. 7. These two colleges will become a part of the state-supported system on September 1, 1965.

In addition, the General Appropriation Bill provides funds for the support of the University of Houston, which becomes a fully state-supported institution on September 1, 1963, in accordance with terms of legislation passed by the 57th Legislature in 1961. Also, by passage of H. B. 291, the prohibition against use of state funds for graduate programs at that institution was removed.

To conform the names of existing colleges to their expanded roles and programs, the Legislature officially designated West Texas State College at Canyon and the A. & M. College of Texas "universities." After August 23, by the terms of H. B. 12 and H. B. 755, respectively, they will be "West Texas State University" and "Texas A. & M. University." By the passage of H. B. 351, the new medical school in San Antonio was designated "The University of Texas South Texas Medical School."

Also in the realm of medical education for the new space age, H. B. 500 authorizes The University of Texas to establish a graduate school of biomedical sciences in Houston, where it will be in a strategic location near the new NASA Manned Spacecraft Center.

Two bills in the area of higher education are especially indicative of some of our contemporary concerns. To promote good relations with our

neighboring Latin-American nations and encourage cultural and educational progress in the spirit of the United States government's Alliance for Progress, H. B. 619 exempts certain students from other American nations from tuition fees when they attend state-supported colleges in Texas.

In recognition of the potential problems arising from possession and use of atomic energy reactors in Texas institutions of higher education--and this is necessary and desirable to prepare students for scientific careers in this nuclear age--H. B. 100 authorizes institutions of higher education operating these reactors to purchase liability insurance.

Small Loans

A piece of legislation which can be considered a big step forward is S. B. 15, which at long last gives Texas a small loan law.

The problem of regulating the small loan business has been recognized and studied in Texas for at least 50 years, and proposals dealing with it have been before every Legislature for the last 36 years.

It is interesting to note that the Interim Legislative Small Loan Committee of the 40th Legislature, in its report in 1929, recommended "a system of small money-lending at a sustaining rate. . . which will induce reputable men to enter the legal small loan business." Essentially the same recommendation has been made repeatedly through the years by impartial study groups, including the State Bar of Texas and the Texas Legislative Council.

To effect any workable solution, it was first necessary to amend the Texas Constitution, Section 11, Article XVI, which provided that "All contracts for a greater rate of interest than 10 per centum per annum shall be deemed usurious. . . ." Such an amendment, giving the Legislature authority to classify loans and lenders and to set higher maximum interest rates, was passed by the Regular Session of the 56th Legislature in 1959 and submitted to the voters of Texas at the general election on November 8, 1960. Basically, it gave the Legislature specific authority to classify loans and lenders, license and regulate lenders, define interest and fix a maximum rate of interest which might be charged by licensees.

The amendment was approved by a ratio of about three to one, with more than a million Texans casting votes in its favor. Despite this mandate, however, the 57th Legislature, during a regular session and three special sessions in 1961 and 1962, failed to agree on a bill.

Naturally, legislation to provide regulation of the small loan business was a top priority concern this session, and the two houses were able to settle their differences on this measure in conference committee.

In recognition of the fact that small consumer loans make an essential and useful contribution to our society in that they provide the only means by which many individuals and families can secure credit to improve their living standards and meet unforeseen financial emergencies, the law regulates loans in amounts up to \$1,500. It will be administered by a Regulatory Loan Commissioner, appointed and employed by the Finance Commission.

Thus, for the first time in Texas, persons engaged in the business of making small loans are brought under public supervision so as to eliminate abuse of borrowers and establish a system which will insure honest and efficient loan service and stimulate competition in the lending business, as well as provide for fair, just and equitable interest rates.

Municipal Annexation and Other Legislation

Pertaining to Cities

In addition to small loan legislation, the 58th Legislature also dealt with another problem of long standing. By the passage of H. B. 13, a state law was enacted to provide for reasonable regulation of municipal annexation. After many years of attempts to curb unreasonable annexation powers of cities while giving them some control over developing areas outside their corporate limits, this session was able to shape such legislation to satisfy the various interests and viewpoints affected.

It will provide for orderly growth of cities by limiting municipalities to a specific additional area for extra-territorial jurisdiction in anticipation of annexation. For cities of 300,000 or more, the area will extend five miles beyond the existing city limits. Smaller cities will have control over lesser areas in the platting of subdivisions likely to be annexed by the city eventually.

Municipalities will be limited to annexation of an additional 10 per cent per year of area over their corporate areas, with accumulation permitted for a three-year period.

Also, under the terms of this law, cities will be required to furnish proprietary services, such as utilities and fire and police protection, to annexed areas within three years or the newly-annexed territory will be eligible for deannexation.

State Agencies

One important new state agency was created this session and two existing agencies were merged in the interest of efficiency and better administration.

The state's long-time effort to promote tourism will receive new impetus by the creation of the Texas Tourist Development Agency as provided by H. B. 11.

It was only recently that a real start could be made in this field because of the presence of an "anti-carpetbagger" clause written into the Texas Constitution of 1876. The provision, which in effect prohibited the expenditure of state funds for advertising and promotion of tourism, was repealed by a vote of the people in 1958, and promising beginnings have been made since that time.

Tourism is reported as the third-ranked industry nationally--just behind manufacturing and agriculture--but in Texas in 1960 it ranked only 13th. Even without an aggressive promotion program, however, tourism poured \$457 million into the Texas economy that year, with \$23 million of this amount in direct state taxes.

These are encouraging figures, but while the tourist industry has been booming nationally and internationally, the number of visitors and the total amount of their expenditures in our state have been declining. The efforts of the Texas Tourist Development Agency will undoubtedly reverse this trend and do much to compensate for a late start in developing the potential of tourism in Texas.

The merger, effected by H. B. 21, is of the State Parks Board and the Game and Fish Commission. The new agency will be known as the Parks and Wildlife Department. This measure, too, implemented a recommendation of the Governor, who pointed out in his message to the Legislature that "These agencies perform different aspects of the same function and the administrative structure and field organization of each can be meshed to provide stronger programs in each area with greater efficiency."

Although the proposal was not made as an economy measure, and it is not envisioned that there will be any spectacular saving of money in the immediate future as a result, the consolidation of such functions as accounting,

engineering and janitorial services will eventually result in savings. Some of the readily apparent benefits are the improvement of the parks system and the possible use of some of the undeveloped parks as wildlife refuges.

By the passage of H. B. 49, authority to supervise and regulate boxing and wrestling matches in the state was transferred from the Commissioner of Labor Statistics, to whom it had been assigned years ago, to the more appropriate jurisdiction of the Department of Public Safety.

S. B. 51 transfers from the Texas Youth Council to the Board for Texas State Hospitals and Special Schools administration of the Texas Blind, Deaf and Orphan School. Since most of the children at the school are there because of handicaps requiring special care and treatment, it was felt that it should be under the jurisdiction of the board having this general primary concern rather than under an agency dealing chiefly with delinquent and dependent children.

"The Prison-Made Goods Act of 1963," passed as S. B. 338, requires all offices, departments, agencies and institutions of the state to purchase from the Texas Department of Corrections all articles or products required by such offices which are produced or manufactured by prison labor. Political subdivisions may also purchase such products. The law prohibits the selling of prison-made goods on the open market. It is intended to promote and encourage the vocational training and rehabilitation of prisoners as well as to contribute to the economical and efficient operation of state agencies.

State Officers and Employees

For some years, there has been concern about the number of state boards and commissions upon which the Attorney General was required to serve ex officio. By virtue of his office, he served on 16 boards and commissions--four more than any of the other five constitutional officials in the executive department. Since his primary duty is to represent the state in all matters where legal advice or judicial proceedings may be required, it was felt that these ex officio memberships made a too-heavy demand on his time and energies and seriously curtailed his availability as counsel to the boards and commissions concerned.

Under provisions of S. B. 318, the Attorney General is removed from all these groups except the Governor's Committee on Interstate Cooperation and replaced, in a majority of cases, by a member appointed by the Governor.

Another piece of legislation passed this session which concerns the Attorney General is H. B. 476, which prohibits that official from using any private funds for investigating or prosecuting any matter.

Affecting all state departments and employees is S. B. 264, which amends the law so as to permit departments and agencies to close on Saturdays. Several years ago it was decided that state offices should be open on Saturday mornings as a convenience to persons having business

who could not visit the offices during the week. A trial period has indicated that the small volume of business transacted did not compensate for the expense of lights, air conditioning or heating and keeping employees on duty.

Several changes in the operation of the Employees Retirement System of Texas are made by H. B. 902. The contribution rate of state employees will be increased from 4 1/2 to 5 per cent effective September 1, 1963, on which date a small cost-of-living increase in benefits will become effective for those already retired. Minimum benefits will also be increased slightly, and certain elected state officials, including legislators, will be eligible to participate in the Retirement System.

Following a national trend toward removing age barriers to employment, H. B. 395 provides that no state agency or political subdivision shall deny employment to any person between 21 and 65 years old because of age.

Repeal of the Poll Tax and

Revision of Election Laws

Among the constitutional amendments which were submitted to the voters of Texas by the 58th Legislature is S. J. R. 1, which would abolish the payment of the poll tax as a prerequisite for voting in the state. Texas is currently one of five states in the nation which retains the poll tax as a

requirement for voting, and an amendment to the United States Constitution which would do away with the poll tax as a prerequisite for voting in federal elections has been submitted to the states for ratification.

The proposition to abolish the poll tax as a requirement for voting in state and local elections will be submitted to Texas voters, under terms of the proposed amendment, on November 9, 1963. If it is approved by the majority of voters, Texans will not have to pay the \$1.75 poll tax to vote in elections in 1964. If the poll tax is abolished, of course, there will be the necessity for some type of voter registration. This has been provided by the passage of S. B. 132, providing for annual voter registration with a 25-cent fee from each registrant to cover the expenses involved. If the poll tax repeal amendment passes in November, citizens will qualify to vote in 1964 by registering before January 31 and paying the small registration fee. Should the Texas amendment to abolish the poll tax be rejected and the federal constitutional amendment be ratified by a sufficient number of states to make it effective early next year, Texas voters who have failed to pay their poll taxes will be given 30 days, after the federal repealer takes effect, to register to vote in federal elections. Should both amendments fail, the \$1.75 poll tax would be required to vote in all elections next year.

Also passed by this session was S. B. 61, the election law revision bill, prepared and recommended after an interim study involving not only specialists in this field but local election officials as well. No major changes in the state's election laws are made by the bill, which is designed to improve election administration, clarify vague provisions, and remove conflicts and ambiguities. Among its other features, the bill will do away with roving poll tax agents working door to door or picking up poll taxes in personal contact, will require that the party which receives the largest gubernatorial vote in the most recent election be listed in the first column on the ballot, and will permit poll watchers to come from any part of the county.

Traffic and Motor Vehicles

A law which will affect virtually every driver on Texas highways--and there are some 5 million of them licensed in the state--is H. B. 50, which permits the Highway Department to raise the legal maximum speed limit to 70 miles per hour during the day and to 65 at night. It should be pointed out, perhaps, that this law will not become effective until August 23. Although the 70-mile-per-hour maximum speed limit is the feature of the bill which seems to be of most interest, it will also give the Highway

Department discretion to decide on speed zoning both within and without incorporated areas, thus helping to eliminate local "speed traps" on major highways.

The new maximum speed limits will undoubtedly become operative immediately after the effective date on some 4,000 miles of four-lane highway which was engineered for 70 miles per hour when built, in addition to such other portions of the state's 64,000-mile highway system as are deemed safe for such speeds. As to the safety aspects, it has been pointed out that this bill merely legalizes the present driving practices of most Texans, since studies have shown that most vehicles on our highways tend to exceed the maximum speed limits by about 10 miles per hour.

The law also makes clear that responsibility rests with the motorist, who must be governed by the weather and traffic conditions and ordinary safety standards as well as the maximum speed limits. Another feature of the bill is that it permits the Highway Department to set minimum as well as maximum speeds, since it is acknowledged that extremely slow drivers on highways zoned for high speeds can be as much a hazard as the motorist exceeding speed limits.

Also of interest to every Texas motorist is H. B. 48, which will become effective January 1, 1964, and which doubles the minimum protective requirements in the "injury or death to persons" category of automobile liability insurance. The minimum requirement on property

damage remains the same. Present law defines "proof of financial responsibility" as proof of ability to pay \$5,000 in case of injury or death of one person in any one accident, and, subject to this limit, \$10,000 for two or more persons, plus \$5,000 for property damage. The new law will require proof of ability to pay \$10,000 in case of injury or death of one person in any one accident, \$20,000 for two or more persons, and the present \$5,000 for property damage.

It is estimated that the cost of this additional coverage will average from \$4.50 to \$6 a year for each Texas motorist and that the total cost of the increased coverage requirements to Texas policyholders will be about \$14 million a year.

The bill also exempts from requirements as to security, proof of financial responsibility and suspension the operator or owner of a vehicle "legally stopped at a traffic light" at the time of the accident, in addition to the present exemption applying to a vehicle "legally parked."

Under present law, a person is released upon request from the safety responsibility requirements three years after the date they were imposed if the Department of Public Safety receives no record of conviction or forfeiture of bail which would call for suspension of license or registration. H. B. 48 extends this period to five years. Presently, requirements are not discharged if the person has within the past one year

been involved as owner or operator of a vehicle in any accident resulting in injury or property damage. This period is extended to two years by H. B. 48.

This law also creates a new offense--driving or allowing another to drive one's vehicle without having proof of financial responsibility during any period of time when he is required to have it. Punishment is set at a fine of up to \$500, or imprisonment for six months, or both.

Public Schools

Public schools have been the object of much legislative attention in recent years. The 58th Legislature, by the passage of H. B. 9, has raised benefits for teachers already retired and made more generous retirement benefits possible for those still active in the profession. As finally passed, the bill will permit teachers who retire in the future to figure benefits on the highest 10 years of earnings, rather than on the 1950-55 period as previously provided. It will raise the \$100-a-month minimum pension for presently retired teachers who had 25 years or more of service, providing a minimum of \$150 a month for those with 36 years of experience.

These increased benefits, it is hoped, will enable the state's rapidly growing public school system to continue to recruit and retain high-caliber

teaching personnel and thus undergird the program of quality education desired in Texas.

The compulsory school attendance law is amended by H. B. 331 to require that each child between the ages of 7 and 16 attend school for 165 days each year, rather than the previously required 120 days.

H. B. 167 authorizes the establishment of rehabilitation districts to provide education, training and vocational guidance for handicapped persons, and H. B. 738 authorizes the creation of county industrial training school districts, with taxing powers, to provide vocational training in counties which do not have vocational high schools. Additional special day schools for the deaf are authorized in counties of 300,000 or more by H. B. 986.

A pilot program in special education for emotionally disturbed children in the public schools is provided by H. B. 210, which authorizes the Texas Education Agency to allocate six classroom teacher units each year in order to determine the best methods and techniques for educating such children.

Competitive bidding on all purchases and contracts over \$1,000 by a public school will be required by H. B. 524. Three new laws--S. B. 310, S. B. 347, and H. B. 54--abolish the office of county superintendent in several counties where these officials no longer have any substantial duties to perform because of reduction in the number of common school districts.

A constitutional amendment proposed by S. J. R. 6 would remove the authority of the Legislature to transfer 1 per cent annually of the Permanent School Fund to the Available School Fund, which can be spent for current purposes.

Insurance

Among the several bills dealing with insurance approved by this Legislature, one of the most interesting is S. B. 27, which repeals the so-called Robertson Law. This has been on the state's statute books since 1907, when it was passed with the idea of stopping insurance companies from draining the financial wealth from the state. It required a certain percentage of the reserve funds on business written in Texas to be invested in Texas securities and real estate before a company was permitted to do business in the state.

The wisdom of the measure was bitterly debated at the time of its passage and some years after. The Robertson Act has been credited in part with the development and growth of the important Texas insurance industry. However, it was submitted that this restriction on investments had served its purpose and that its repeal would permit Texas companies to compete more freely in other states.

S.B. 419 will permit an association of insurance companies to pool their resources to write health and medical insurance for Texas residents over 65 years of age. Because of anti-trust statutes, this law is necessary

to allow insurance companies, in effect, to reinsure each other on this type of coverage, since it would be extremely difficult for a single company to assume the risks in writing such insurance.

All credit, life, health and accident insurance will be subject to uniform regulation under the provisions of H. B. 938.

Other Business Regulation

Also in the area of business regulation, S. B. 85 revises and codifies the laws relating to funeral directing and embalming. The sale of pre-need funeral merchandise and service contracts will be regulated by the provisions of S. B. 129.

Permissible fees which may be charged by private employment agencies are set by S. B. 220, and S. B. 421 brings under state regulation the business of selling checks, drafts and money orders.

Several bills were passed amending the state's laws concerning banking, including S. B. 298, which prohibits banks from disclosing amounts deposited by their customers, and H. B. 29 recodifies the statutes affecting savings and loan associations and their operations.

Civil and Criminal Law

This Legislature, by the passage of S.B. 270, enacted a redraft of the entire Code of Criminal Procedure which was subsequently vetoed by the Governor at the request of its sponsors because of some errors in the bill attributed to mistakes which occurred in the

mechanics of processing it. The culmination of five years of work by the judiciary, prosecution and defense sections of the bar association, it was the first major substantive revision of the code since it was drafted in 1856 and recodified in 1925. The general purpose of the revision was to assure speedy administration of justice in criminal trials.

Other legislation in this area includes H. B. 769, which exempts all owners or operators of "milk-producing dairy farms" from jury service, and H. B. 806, which extends the jury wheel system of selecting jurors to additional counties.

Several new penal offenses were created by laws passed this session. H. B. 229 makes it a felony, under certain circumstances, to make or possess implements adapted to or commonly used in the commission of burglary. H. B. 287 makes it unlawful to wilfully burn cotton or cottonseed, motor vehicles and trailers belonging to others in addition to a list of similar items already specified in the Penal Code. To cope with an alarming wave of bomb scares in schools and other buildings, H. B. 309 makes it unlawful to wilfully convey false information concerning a bomb or other explosive in a public or private building.

H. B. 457 strengthens the state's "hot check" law, H. B. 116 provides for punishment by an imprisonment for up to 10 years to use a credit card to defraud a seller, and H. B. 514 sets a penalty for obtaining board and lodging by trick or deceit.

In an attempt to discourage theft of mercury from meters along oil and gas pipelines, S. B. 87 provides that it shall be a felony to possess

more than one pound of mercury without a bill of sale. S. B. 238 makes it unlawful to disfigure or destroy any historical structure, and S. B. 242 provides that it is illegal to deface or destroy any historic ruin or archaeological site.

Crimes of violence will be reported to law enforcement officials more completely and promptly under the provisions of S. B. 37, which requires doctors and other medical personnel to report treatment of gunshot or other wounds indicating violence.

In the area of civil law, H. B. 105 abolishes three old rules of property law dating back to medieval England. They are known as the Rule in Shelley's Case, the Rule Forbidding a Remainder to the Grantor's Heirs, and the Doctrine of Worthier Title. The courts, the legal profession and legal scholars have recommended for decades the abolishment of these old rules pertaining to remainders after life estates, on the grounds that such rules have no reasonable application in this state or country.

Continuing efforts to combat juvenile delinquency and deal more effectively with young people who come into conflict with the law, H. B. 627 establishes a juvenile board in Bell County and H. B. 1022 provides for the appointment of a juvenile and probation officer in Runnels County.

Two amendments to the Probate Code were passed. H. B. 230 permits guardians to expend funds from the corpus of the ward's estate for support, maintenance and education under certain circumstances, and H. B. 1048 allows the guardian of a deceased ward to pay all funeral expenses out of the ward's estate.

New and Reorganized State Courts

Toward the end of improving administration of justice in the state, this Legislature created by passage of H. B. 68 two new Supreme Judicial Districts, making a total of 13. No new Supreme Judicial Districts had been created in the state since 1923, during which time the population of Texas has more than doubled and the caseloads of the courts have increased tremendously. Courts for the 12th and 13th Supreme Judicial Districts will be located in Tyler and Corpus Christi, respectively.

To ease the heavy workloads of existing courts in metropolitan areas, the 58th Legislature created in the more populous counties of the state a number of new courts, including seven district courts and one criminal district court. Additional judicial districts created are the 147th and the 167th in Travis County, by H. B. 429 and H. B. 370, respectively; the 162nd in Dallas County, the 163rd in Orange County, the 164th and 165th in Harris County, the 166th in Bexar County, and Criminal Judicial District No. 4 in Dallas County, all under the provisions of H. B. 370. New courts of domestic relations were created in Taylor and Harris Counties by H. B. 271 and H. B. 810, respectively, and a number of additional county courts--civil, criminal and probate--were authorized.

Physical and Mental Health

The important area of mental health received considerable attention from the 58th Legislature. H. B. 266 amends the law to authorize the

Board for Texas State Hospitals and Special Schools to contract for medical care and treatment of mentally ill persons in or near their home communities. This will permit more arrangements such as the one the Board has with the psychiatric unit of R. E. Thomason Hospital in El Paso for the care of mentally ill patients who would otherwise be admitted to Big Spring State Hospital, 330 miles away.

S. B. 383 authorizes the Board for Texas State Hospitals and Special Schools to enter into contracts for research on mental illness so that greater strides can be made in the areas of prevention and treatment, thus reducing the patient load in state hospitals and psychiatric clinics. Use of the Board's facilities for research in mental retardation is authorized by H. B. 156. Also dealing with research is S. B. 477, which authorizes creation of a committee to study treatment of sociopathic personalities.

The Texas Mental Health Code, as it relates to application for and right of appeal from orders of temporary hospitalization, observation and treatment, is amended by H. B. 634.

Two new state schools for mentally retarded children were established by the 58th Legislature--one to be located in Corpus Christi and one in the West Texas area, under provisions of S. B.'s 50 and 54, respectively, so that persons in need of the care, training and treatment offered by these institutions will have such facilities available nearer their own homes and so that the state can continue to keep pace with the need for this type of care. In addition, so that school-age children in these institutions may have

educational opportunities, independent school districts were created at the Travis, Richmond and Lufkin State Schools by S. B.'s 152, 172 and 222, respectively.

Paregoric is now on the list of narcotic drugs which are to be sold by prescription only, under provisions of H. B. 162. H. B. 552 and H. B. 1006 also deal with permits for stores and distributors of drugs and the registration of wholesalers and distributors of drugs and medicines.

Since both the State of Texas and the federal government have pure food and drug laws, S. B. 465 provides that prosecution by the federal government for violation of the pure food and drug laws, as they relate to agricultural products, will constitute a bar to state prosecution for the same offense.

Public Welfare

The program formerly known as Aid to Dependent Children is now to be designated "Aid and Services to Needy Families With Children" under the provisions of H. B. 288. For ease of reference, it will be called AFDC--"aid to families with dependent children." The changes made in the Public Welfare Act by this amendatory law were in conformity with recent amendments to the federal Social Security Act. The Texas law raises the maximum age of children eligible for benefits under the program from 14 to 16 years, provided that children between 14 and 16 must be in school to be eligible unless the Department of Public Welfare finds that school

attendance is not feasible in the individual case. The law also places emphasis on rehabilitation and social welfare aspects of the program.

H. B. 228 provides that the Department of Public Welfare shall be responsible in the case of families applying for assistance under the AFDC program, for finding fathers who desert their families. The law defines "deserting father" and "deserted child" and makes it the responsibility of the mother or guardian of a deserted child to supply the Department of Public Welfare with any details or information which may be necessary or helpful in locating a deserting father.

To aid in the advancement of medical research and education, H. B. 418 provides that any person, hospital, nursing or rest home, medical society, cancer registry, sanatorium, or other organization may provide information relating to the condition and treatment of persons to the State Department of Health, medical organizations, or hospitals and hospital committees to be used in the course of study for reducing morbidity or mortality. The identity of all persons concerned must remain confidential under this law, and all findings and conclusions based on information so furnished are declared to be privileged.

H. B. 924 makes it unlawful to misrepresent a place of residence in applying for medical aid from a state or county hospital.

The constitutional amendment proposed by S. J. R. 21, to be voted on November 9, 1963, will raise the ceiling on welfare spending from state funds from \$52 million to \$60 million a year. S. J. R. 10, to be submitted

in November, 1964, will authorize the Legislature to provide for state-paid hospital benefits for medical care of persons over 65 years old under the Kerr-Mills program.

Unemployment Compensation

Two bills were passed by the 58th Legislature concerning unemployment compensation, one of which was vetoed by the Governor on technical grounds. H. B. 204, which becomes law on August 23, provides that students who quit work to attend school shall not be eligible for unemployment compensation.

The vetoed measure, H. B. 148, provided that unemployment compensation benefits would cease if the person receiving them were not "actively seeking suitable work."

Military and Veterans' Affairs

A "Texas Code of Military Justice" set out by S. B. 279 applies to the Texas National Guard and other state military forces, bringing the membership of these groups under the protection and rights afforded other such groups throughout the United States. It follows the provisions of the Federal Uniform Code of Military Justice.

S. B. 361, which would have provided benefits for the children of deceased members of the Texas National Guard and the Air National Guard, was vetoed by the Governor because it failed to comply with the requirements of the Constitution concerning amendments to existing law.

Approval of the constitutional amendment proposed by S. J. R. 16 would authorize the state to issue an additional \$150,000,000 in bonds, supplementing the \$200,000,000 already issued, to continue the veterans' land program and enable more than 2,000 applicants for loans on the waiting list to participate. In recognition of the increase in real estate values and higher costs generally, the amendment would also raise from \$7,500 to \$10,000 the limit on individual loans to veterans for land purchases. This amendment will also be submitted to the voters of Texas on November 9 of this year.

Legal Rights of Women

Despite the fact that the proposed "equal legal rights for women" amendment to the Texas Constitution failed to pass the 58th Legislature, two bills in this field were enacted into law.

The first of these, H. B. 403, removes the disabilities of coverture of a married woman so that she can manage her separate property--that which she owned prior to her marriage or acquires afterward by gift, will or inheritance--and make contracts in her own right. This means that she can make purchases on the installment plan without her husband's name on the contract, can go into business without first going into court, can sell her own stocks and bonds or real property without her husband's consent and joinder, and can become a partner for a professional purpose, as in law, medicine or architecture.

H. B. 404 abolishes the requirement for separate acknowledgements by a married woman when conveying her separate property. A woman is still required by law to be questioned "privily and apart" from her husband as to her willingness to the transaction when a couple sells a homestead.

These amendments to the statutes accomplish some of the major objectives sought to be attained by the passage of a constitutional amendment guaranteeing equal rights for women.

Public Utilities

Public Utilities will be required to pay interest on deposits for water, light, gas or telephone service by the provisions of H. B. 207. A problem which has been of much concern to public utilities and the state and other political subdivisions acquiring rights-of-way for highways and other construction is dealt with by S. B. 489, which provides that relocation of utility lines and facilities which must be moved shall be considered a part of the right-of-way acquisition cost.

Water

The major piece of water legislation enacted by the 58th Legislature was S. B. 46, which provides enabling legislation for the constitutional amendment authorizing acquisition of water storage facilities by the Texas Water Development Board.

Texas voters approved in November, 1962, an amendment authorizing the acquisition and development of storage facilities in reservoirs for the conservation of state public waters, to be financed under the Texas Water Development Fund.

The major purpose of the amendment and its implementing legislation is to assure an ample supply of available water--the major key to industrial, municipal and agricultural growth--for local communities which are unable to finance the high cost involved in constructing or acquiring necessary conservation storage in reservoirs. The average city of 15,000, for example, may be looking realistically toward a potential population of 50,000, but it would be almost impossible at present for such a city to finance a water project to care for the needs of the projected growth.

Parks, Historical Sites and Recreation

The creation of Padre Island National Seashore, authorized by the passage of S. B. 6, will help to attract tourists to Texas as well as provide an additional recreation area for residents of the state.

The name of San Jacinto State Park is changed officially to San Jacinto Battleground by H. B. 371. H. B. 88 provides a maximum speed limit in county parks and prohibits the littering of such parks.

Preservation of historical sites and materials will be encouraged by S. B. 239, which provides for acquisition of land upon which historic features are located; S. B. 240, which concerns the duties of the Texas

Historical Survey Committee; S. B. 241, which authorizes county judges to appoint county historical survey committees; and S. B. 243, which permits cities and counties to acquire historical museums and sites.

By passage of S. C. R. 7, the 58th Legislature requested that the federal government designate the Alibates Flint Quarries in Potter County a national monument.

Recreation activities of Texans will also be affected by some of the laws passed this session. H. B. 308 legalizes bowling on Sundays, and H. B. 39 imposes an occupational tax on billiard tables. Game wardens are authorized to enforce the Texas Water Safety Act on Lake Texoma and certain other lakes by H. B. 562, and S. B. 100 empowers game wardens to arrest persons who enter property without the consent of the owner to hunt or fish.

Agriculture

Several bills benefiting agriculture were passed this session. One of considerable current interest because of national controversy on the subject is H. B. 64, which provides that the Commissioner of Agriculture shall administer a program to register and regulate the distribution of economic pesticides so as to minimize the danger of their being harmful to vegetation and wildlife other than that which they are intended to control or destroy. Many of these chemicals are being used in Texas' vast agricultural operations, and it is highly important that they be properly registered,

branded, and distributed in order to guard against potentially dangerous and undesired effects of these powerful chemicals.

Constitutional Amendments

Seven constitutional amendments, several of which have already been discussed in relation to the topics to which they pertain, were approved for submission to the voters of Texas by the 58th Legislature. Three of these will be voted on at the election on November 9, 1963; the others will be on the ballot in November, 1964.

The amendments to be voted on in November, 1963, are:

S. J. R. 1, repealing the poll tax as a prerequisite for voting.

S. J. R. 16, authorizing issuance of an additional \$150,000,000 in bonds to finance continuation of the Veterans' Land Program.

S. J. R. 21, raising the ceiling on state welfare spending from \$52 million to \$60 million a year.

Amendments to be voted on in November, 1964, are:

S. J. R. 6, removing the authority of the Legislature to transfer 1 per cent of the Permanent School Fund to the Available School Fund, thus prohibiting use of any money from the Permanent Fund for current operations.

S. J. R. 10, authorizing the Legislature to provide for state-paid hospital benefits for medical care of persons over 65 years of age under the Kerr-Mills program.

H. J. R. 8, concerning the organization and operating procedures of conservation and reclamation districts.

S. J. R. 26, authorizing Jefferson County to provide retirement, disability and death benefits for its employees.

This summary makes mention of only a fraction of the more than 500 pieces of legislation passed at the Regular Session of the 58th Legislature. The ability of this Legislature to deal effectively with so many major issues can be attributed in great part to the efficient functioning, discriminating judgment and hard work of legislative committees in both House and Senate, which carefully evaluated each proposal, thus permitting members to give more study and attention to the bills which came before them for a vote. This conscientious screening of the hundreds of proposals introduced was a major factor in enabling the session to adjourn early with its work accomplished.